

However, this administration's final term is near an end, and I do not believe it is fair to change the rules on them.

This administration has complied with the existing procedures. Changing them now would put a greater burden on them than any other past administration which already finished collecting the majority of donations for their libraries.

Enacting this bill to apply only to future administrations would solve this problem, and put them on notice of the new reporting requirements and procedures.

I have an amendment to this bill so that it will be enacted only to apply to administrations serving on or after January 21, 2009. If this amendment is accepted, I will be happy to support the legislation.

#### IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY ACT OF 2007

Mr. NELSON of Florida. Mr. President, I have a unanimous consent request that has been cleared on both sides. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 327, S. 428.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 428) to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "IP-Enabled Voice Communications and Public Safety Act of 2007".

#### SEC. 2. DUTY TO PROVIDE 9-1-1 AND E-9-1-1 SERVICE.

(a) *IN GENERAL.*—The Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amended by adding at the end the following:

##### "SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.

"(a) *IN GENERAL.*—It shall be the duty of every IP-enabled voice service provider engaged in interstate or foreign communication to provide 9-1-1 service, including enhanced 9-1-1 service, to its subscribers in accordance with orders of the Commission in effect on the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, as such orders may be modified by the Commission from time to time.

"(b) *ACCESS TO 9-1-1 COMPONENTS.*—

"(1) *REGULATIONS.*—Within 90 days after the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Commission shall issue regulations granting IP-enabled voice service providers right of access to 9-1-1 components that are necessary to provide 9-1-1 service, on the same rates, terms, and conditions that are provided to commercial mobile service providers. In promulgating the regulations, the Commission shall take into account any technical, network security, or information privacy issues that are specific to IP-enabled

voice services, including the security of 9-1-1 networks. The Commission shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 service and access.

"(2) *DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.*—The Commission may delegate authority to enforce the regulations issued under paragraph (1) to State commissions or other State agencies or programs with jurisdiction over emergency communications.

"(c) *SAVINGS CLAUSE.*—Nothing in the IP-Enabled Voice Communications and Public Safety Act of 2007 shall be construed as repealing or otherwise altering, modifying, affecting, or superseding Federal regulations obligating an IP-enabled voice service provider to provide 9-1-1 service or enhanced 9-1-1 service.

"(d) *LIMITATION ON COMMISSION.*—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

"(e) *FCC AUTHORITY TO REQUIRE 9-1-1 SERVICE.*—The Federal Communications Commission is authorized to require other providers of communications services using wire or radio communication in interstate or foreign commerce to provide 9-1-1 service, including enhanced 9-1-1 service, to users for the purpose of promoting safety of life and property."

(b) *DEFINITIONS.*—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end thereof the following:

"(8) *IP-ENABLED VOICE SERVICE.*—The term 'IP-enabled voice service' has the meaning given that term by section 9.3 of the Commission's regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

"(9) *IP-ENABLED 9-1-1 SERVICE.*—The term 'IP-enabled 9-1-1 service' means any 9-1-1 service provided by an IP-enabled voice service provider, including enhanced IP-enabled 9-1-1 service.

"(10) *ENHANCED IP-ENABLED 9-1-1 SERVICE.*—The term 'enhanced IP-enabled 9-1-1 service' means any enhanced 9-1-1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.

"(11) *9-1-1 COMPONENT.*—The term '9-1-1 component' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, non-dialable p-ANI's, or other related facility necessary for the delivery and completion of 9-1-1 or E-9-1-1 calls and information related to such calls, as determined by the Commission."

#### SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.

(a) *IN GENERAL.*—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking "carrier," in subsection (a) and inserting "carrier, IP-enabled voice service provider, or alternative emergency communications service provider,";

(2) by striking "its" the first place it appears in subsection (a) and inserting "their";

(3) by striking "emergency calls or emergency services." in subsection (a) and inserting "emergency calls, emergency services, or alternative emergency communications services.";

(4) by striking "service shall" in subsection (b) and inserting "service, or IP-enabled voice service, shall";

(5) by striking "wireless." in subsection (b) and inserting "wireless, IP-enabled, or alternative emergency communications.";

(6) by striking "communications," in subsection (c) and inserting "communications, IP-enabled voice service communications, or alternative emergency communications,"; and

(7) by striking "wireless." in subsection (c) and inserting "wireless, IP-enabled, or alternative emergency communications.".

(b) *DEFINITIONS.*—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b), as amended by section 2(b), is further amended by adding at the end thereof the following:

"(12) *ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE.*—The term 'alternative emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 Services.

"(13) *ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE PROVIDER.*—The term 'alternative emergency communications service provider' means an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Commission or, in the absence of any such requirement, is specifically authorized by the appropriate local or State 9-1-1 governing authority, to provide alternative emergency communications services."

#### SEC. 4. STATE AUTHORITY OF FEES.

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal Communications Commission regulation or order shall prevent the imposition on, or collection by, a provider of IP-enabled voice services or commercial mobile service, of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 9-1-1 or E 099-1-1 services if that fee or charge—

(1) for IP-enabled voice services, does not exceed the amount of any such fee or charge imposed on or collected by a provider of telecommunications services; and

(2) is obligated or expended in support of 9-1-1 and E 099-1-1 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

#### SEC. 5. FEE ACCOUNTABILITY.

To ensure efficiency, transparency, and accountability in the collection and expenditure of 9-1-1 fees, the Federal Communications Commission shall submit a report within 1 year after the date of enactment of this Act, and annually thereafter, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce detailing the status in each State of the collection and distribution of 9-1-1 fees and include findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

#### SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) *IN GENERAL.*—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

"(d) *MIGRATION PLAN REQUIRED.*—

"(1) *NATIONAL PLAN REQUIRED.*—No more than 270 days after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications and improving information sharing among all emergency response entities.

"(2) *CONTENTS OF PLAN.*—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

“(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

“(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and Statewide basis;

“(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

“(E) include a proposed timetable, an outline of costs and potential savings;

“(F) provide specific legislative language, if necessary, for achieving the plan;

“(G) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

“(H) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007;

“(I) document solutions that a national IP-enabled emergency network will provide for 9-1-1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline for such implementation; and

“(J) analyze technologies and efforts to provide automatic location capabilities and provide recommendations on needed regulatory or legislative changes necessary to implement automatic location solutions for 9-1-1 purposes.

“(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate.”; and

(3) by striking “services.” in subsection (b)(1) and inserting “services, and for migration to an IP-enabled emergency network.”.

(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, testing procedures, classes and types of services supported by public safety answering points, selective router contact information, or other information concerning necessary 9-1-1 components, for the purpose of assisting providers in complying with this section, and may make any portion of such information available to the public if such availability would improve public safety.

(c) DEVELOPMENT OF STANDARDS.—The Federal Communications Commission shall work cooperatively with public safety organizations, industry participants, and the E-9-1-1 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

(1) defining geographic coverage areas for Public Safety Answering Points;

(2) defining network diversity requirements for delivery of IP-enabled 9-1-1 calls;

(3) call-handling in the event of call overflow or network outages;

(4) Public Safety Answering Point certification and testing requirements;

(5) validation procedures for inputting and updating location information in relevant databases; and

(6) the format for delivering address information to Public Safety Answering Points.

#### SEC. 7. ENFORCEMENT.

The Commission shall enforce the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) as if that Act were part of the Communications Act of 1934. For purposes of this section, any violation of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any regulation promulgated under that Act, is deemed to be a violation of the Communications Act of 1934 or a regulation

promulgated under the Communications Act of 1934, respectively.

#### SEC. 8. COMPLETION OF THE HATFIELD REPORT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Federal Communications Commission shall remit all amounts promised for the completion of an update to the Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9-1-1 Services by Dale N. Hatfield filed at the Commission on October 15, 2002, in WT Docket No. 02-46.

(b) SUBMISSION OF REPORT.—Mr. Hatfield shall submit his written findings as of May 1, 2006, to the Federal Communications Commission not later than 60 days after receiving the payment described in subsection (a).

Mr. STEVENS. Mr. President, I congratulate the Senator from Florida for this bill as modified. I think it is a step in the right direction. I am pleased to support the bill.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Alaska because he has been very much a part of this effort, along with Senator INOUE.

As a result of several things they did, I now ask unanimous consent that the amendment at the desk be considered and agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4086) was agreed to, as follows:

(Purpose: To clarify the FCC's authority to require 9-1-1 service, and for other purposes)

On page 11, strike lines 1 through 7 and insert the following:

“(e) FCC AUTHORITY TO REQUIRE 9-1-1 SERVICE.—The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide 9-1-1 service, including enhanced 9-1-1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).”.

On page 11, beginning in line 12, strike “that term” and insert “the term ‘Interconnected VoIP Service’”.

On page 11, beginning in line 14, strike “(47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.” and insert “(47 C.F.R. 9.3).”.

On page 18, strike lines 8 through 17 and insert the following:

(b) AVAILABILITY OF PSAP INFORMATION.—The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9-1-1 component providers, for the purpose of assisting IP-enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

On page 19, line 13, insert “Federal Communications” after “The”.

On page 20, after line 9, insert the following:

SEC. 7. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking “the ‘Improving Emergency Communications Act of 2007’.” and inserting “the ‘911 Modernization Act’.”.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 428), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “IP-Enabled Voice Communications and Public Safety Act of 2007”.

#### SEC. 2. DUTY TO PROVIDE 9-1-1 AND E-9-1-1 SERVICE.

(a) IN GENERAL.—The Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amended by adding at the end the following:

#### “SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.

“(a) IN GENERAL.—It shall be the duty of every IP-enabled voice service provider engaged in interstate or foreign communication to provide 9-1-1 service, including enhanced 9-1-1 service, to its subscribers in accordance with orders of the Commission in effect on the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, as such orders may be modified by the Commission from time to time.

“(b) ACCESS TO 9-1-1 COMPONENTS.—

“(1) REGULATIONS.—Within 90 days after the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Commission shall issue regulations granting IP-enabled voice service providers right of access to 9-1-1 components that are necessary to provide 9-1-1 service, on the same rates, terms, and conditions that are provided to commercial mobile service providers. In promulgating the regulations, the Commission shall take into account any technical, network security, or information privacy issues that are specific to IP-enabled voice services, including the security of 9-1-1 networks. The Commission shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 service and access.

“(2) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under paragraph (1) to State commissions or other State agencies or programs with jurisdiction over emergency communications.

“(c) SAVINGS CLAUSE.—Nothing in the IP-Enabled Voice Communications and Public Safety Act of 2007 shall be construed as repealing or otherwise altering, modifying, affecting, or superseding Federal regulations obligating an IP-enabled voice service provider to provide 9-1-1 service or enhanced 9-1-1 service.

“(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

“(e) FCC AUTHORITY TO REQUIRE 9-1-1 SERVICE.—The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide

9-1-1 service, including enhanced 9-1-1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).”

(b) **DEFINITIONS.**—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end thereof the following:

“(8) **IP-ENABLED VOICE SERVICE.**—The term ‘IP-enabled voice service’ has the meaning given the term ‘Interconnected VoIP Service’ by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3).

“(9) **IP-ENABLED 9-1-1 SERVICE.**—The term ‘IP-enabled 9-1-1 service’ means any 9-1-1 service provided by an IP-enabled voice service provider, including enhanced IP-enabled 9-1-1 service.

“(10) **ENHANCED IP-ENABLED 9-1-1 SERVICE.**—The term ‘enhanced IP-enabled 9-1-1 service’ means any enhanced 9-1-1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.

“(11) **9-1-1 COMPONENT.**—The term ‘9-1-1 component’ means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, non-dialable p-ANI’s, or other related facility necessary for the delivery and completion of 9-1-1 or E-9-1-1 calls and information related to such calls, as determined by the Commission.”

### **SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.**

(a) **IN GENERAL.**—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking “carrier,” in subsection (a) and inserting “carrier, IP-enabled voice service provider, or alternative emergency communications service provider;”;

(2) by striking “its” the first place it appears in subsection (a) and inserting “their;”;

(3) by striking “emergency calls or emergency services.” in subsection (a) and inserting “emergency calls, emergency services, or alternative emergency communications services.”;

(4) by striking “service shall” in subsection (b) and inserting “service, or IP-enabled voice service, shall”;

(5) by striking “wireless.” in subsection (b) and inserting “wireless, IP-enabled, or alternative emergency communications.”;

(6) by striking “communications,” in subsection (c) and inserting “communications, IP-enabled voice service communications, or alternative emergency communications.”;

(7) by striking “wireless.” in subsection (c) and inserting “wireless, IP-enabled, or alternative emergency communications.”

(b) **DEFINITIONS.**—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b), as amended by section 2(b), is further amended by adding at the end thereof the following:

“(12) **ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE.**—The term ‘alternative emergency communications service’ means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 Services.

“(13) **ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE PROVIDER.**—The term ‘alternative emergency communications service provider’ means an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Commission or, in the absence of any such requirement, is specifically authorized by the appropriate local or State 9-

1-1 governing authority, to provide alternative emergency communications services.”

### **SEC. 4. STATE AUTHORITY OF FEES.**

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal Communications Commission regulation or order shall prevent the imposition on, or collection by, a provider of IP-enabled voice services or commercial mobile service, of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 9-1-1 or E-9-1-1 services if that fee or charge—

(1) for IP-enabled voice services, does not exceed the amount of any such fee or charge imposed on or collected by a provider of telecommunications services; and

(2) is obligated or expended in support of 9-1-1 and E-9-1-1 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

### **SEC. 5. FEE ACCOUNTABILITY.**

To ensure efficiency, transparency, and accountability in the collection and expenditure of 9-1-1 fees, the Federal Communications Commission shall submit a report within 1 year after the date of enactment of this Act, and annually thereafter, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce detailing the status in each State of the collection and distribution of 9-1-1 fees and include findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

### **SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.**

(a) **IN GENERAL.**—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

“(d) **MIGRATION PLAN REQUIRED.**—

“(1) **NATIONAL PLAN REQUIRED.**—No more than 270 days after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications and improving information sharing among all emergency response entities.

“(2) **CONTENTS OF PLAN.**—The plan required by paragraph (1) shall—

“(A) outline the potential benefits of such a migration;

“(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

“(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and Statewide basis;

“(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

“(E) include a proposed timetable, an outline of costs and potential savings;

“(F) provide specific legislative language, if necessary, for achieving the plan;

“(G) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

“(H) assess, collect, and analyze the experiences of the PSAPs and related public safety

authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007;

“(I) document solutions that a national IP-enabled emergency network will provide for 9-1-1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline for such implementation; and

“(J) analyze technologies and efforts to provide automatic location capabilities and provide recommendations on needed regulatory or legislative changes necessary to implement automatic location solutions for 9-1-1 purposes.

“(3) **CONSULTATION.**—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate.”; and

(3) by striking “services.” in subsection (b)(1) and inserting “services, and for migration to an IP-enabled emergency network.”

(b) **AVAILABILITY OF PSAP INFORMATION.**—The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9-1-1 component providers, for the purpose of assisting IP-enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

(c) **DEVELOPMENT OF STANDARDS.**—The Federal Communications Commission shall work cooperatively with public safety organizations, industry participants, and the E-9-1-1 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

(1) defining geographic coverage areas for Public Safety Answering Points;

(2) defining network diversity requirements for delivery of IP-enabled 9-1-1 calls;

(3) call-handling in the event of call overflow or network outages;

(4) Public Safety Answering Point certification and testing requirements;

(5) validation procedures for inputting and updating location information in relevant databases; and

(6) the format for delivering address information to Public Safety Answering Points.

### **SEC. 7. ENFORCEMENT.**

The Federal Communications Commission shall enforce the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) as if that Act were part of the Communications Act of 1934. For purposes of this section, any violation of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any regulation promulgated under that Act, is deemed to be a violation of the Communications Act of 1934 or a regulation promulgated under the Communications Act of 1934, respectively.

### **SEC. 8. COMPLETION OF THE HATFIELD REPORT.**

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Federal Communications Commission shall remit all amounts promised for the completion of an update to the Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9-1-1 Services by Dale N. Hatfield filed at the Commission on October 15, 2002, in WT Docket No. 02-46.

(b) SUBMISSION OF REPORT.—Mr. Hatfield shall submit his written findings as of May 1, 2006, to the Federal Communications Commission not later than 60 days after receiving the payment described in subsection (a).

#### SEC. 9. 9/11 COMMISSION ACT OF 2007.

Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking “the ‘Improving Emergency Communications Act of 2007.’” and inserting “the ‘9/11 Modernization Act’”.

Mr. NELSON of Florida. Mr. President, I thank the Senate. This has been 2 years coming because 2 years ago, a young mother in Deltona, FL, which is north of Orlando in Volusia County, watched her baby die as she tried in vain to reach emergency 911. She had a telephone that she did not realize, because it was voice over the Internet, there was no provision for emergency 911 services.

Following that tragedy of the death of that child, where a 911 emergency response team never arrived because they did not receive the call, we introduced this bipartisan legislation that requires all VOIP providers to offer the emergency 911 service, and this legislation gives them the tools they need in order to do that.

We have been working on this legislation a long time. It passed the Commerce Committee unanimously in 2005. It was also added to a Senate port security bill in 2006, and then the conference committee stripped it out.

Since the bill was first introduced, to the credit of the Federal Communications Commission, they took some action to require that VOIP customers have full access to the emergency 911. We appreciate that very much. But there are holes in those regulations. Those holes need to be filled, and this legislation we passed tonight—and is very similar to a House bill that passed a couple of months ago—will fill those legislative holes.

This legislation will resolve any remaining questions regarding the Federal Communications Commission jurisdiction over VOIP services by requiring full access to 911 service by the VOIP customers.

This bill also resolves any issues relating to the potential liability of the VOIP providers that offer access to 911 services. The legislation also requires the national E-911 Implementation Coordination Office to work with industry to oversee the next generation of emergency 911 network.

This network is going to be resilient and redundant. It is going to allow 911 calls to automatically be routed to a functional 911 call center in the event of a disaster. Think about what happened down in New Orleans during Katrina. We had a certain way these 911 calls had to go to get to the emergency call center. Some of those lines were out of service, and so those calls never got there.

This new system is going to send these little packets of information in any route it can to get to that call center. It is going to be redundant, it is

going to be resilient so we will not have a repeat of people desperately down in New Orleans making 911 calls and not getting a response.

This is a chart that pretty well depicts that every day thousands of Americans rely on these call centers so they can reach responders, and every day we have to wait to upgrade the network and those lives are at risk.

We have gone all the way from just the rotary service telephones to the future, where we have something like these iPhones we have today that have so many different services on them. We need a system that can get this emergency service through these new kinds of mechanisms. That is what we are going to do.

Going back to this terrible tragedy that happened a couple years ago in my State, this is just one newspaper headline that said trying to get that 911 call, it couldn't go because there was not a provision in VOIP.

Lives have been lost. Lives were at risk. They are still at risk until we can get this legislation signed into law. I am extremely grateful to the Senate for having passed this legislation tonight.

#### UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 3896, AS MODIFIED

Mr. CASEY. Mr. President, I ask unanimous consent that notwithstanding the passage of S. 1200, the Vitter amendment 3896 be modified with the change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 309, strike lines 1-7 and insert the following:

#### “SEC. 805. LIMITATION RELATING TO ABORTION.

“(a) DEFINITION OF HEALTH BENEFITS COVERAGE.—In this section, the term ‘health benefits coverage’ means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

“(b) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

“(A) to provide any abortion; or

“(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

“(2) EXCEPTIONS.—The limitation described in paragraph (1) shall not apply in any case in which—

“(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

“(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.”.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law

107-12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Trevor Whipple of Vermont.

#### ORDERS FOR WEDNESDAY, FEBRUARY 27, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 27; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for up to 60 minutes with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled between the two leaders or their designees, with the Republicans in control of the first half and the majority in control of the final half; that following morning business, the Senate resume the motion to proceed to S. 2633; further, I ask that the Senate stand in recess from 12:30 to 2:15 p.m. and that all time during any recess, adjournment, or morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Wednesday, February 27, 2008, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SHEILA MCNAMARA GREENWOOD, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

##### DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

KENNETH E. CARPINE, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 21, 2010, VICE ROBERT M. TOBIAS, TERM EXPIRED.

##### DEPARTMENT OF STATE

PETER E. CIANCHETTE, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

##### THE JUDICIARY

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE KENT A. JORDAN, ELEVATED.

##### DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE MICHAEL JACKSON, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION: